



Docket No.: 1594.1281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kobayashi SHOZO et al..

Group Art Unit: 3742

Serial No. 10/669,504

Examiner: Teresa J. Walberg

Filed: September 25, 2003

Batch No:

For: COOKING APPARATUS

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in the Notice of Allowance, mailed October 8, 2004. These reasons indicate that the Examiner concluded that claims 1-32 are allowable because the prior art does not disclose or render obvious a cooking apparatus including a tray mounted on a pair of support "tails" in a cooking cavity and having a heater in the form of conductive film on the lower surface of the tray, to heat the tray and cook food, the conductive film having electricity flow paths that are as short as possible and electricity being supplied to the heater through terminals connected to a socket on the rear wall of the cooking cavity.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is submitted that the Examiner's Statement does not meet these standards and, instead, raises "possible misinterpretations... and possible estoppel effects" (MPEP 1302.14) and, accordingly, should be disregarded. For example, one of the inaccuracies in the Reasons for Allowance is that the Examiner refers to "tails" when the actual recitation is "support rails."

It further is submitted that the claims noted above are not constrained by such limitations and that the claims speak for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-27-08

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